

1 ROBBINS GELLER RUDMAN
& DOWD LLP
2 SHAWN A. WILLIAMS (213113)
Post Montgomery Center
3 One Montgomery Street, Suite 1800
San Francisco, CA 94104
4 Telephone: 415/288-4545
415/288-4534 (fax)
5 shawnw@rgrdlaw.com
– and –
6 TRAVIS E. DOWNS III (148274)
BENNY C. GOODMAN III (211302)
7 ERIC I. NIEHAUS (239023)
655 West Broadway, Suite 1900
8 San Diego, CA 92101-3301
Telephone: 619/231-1058
9 619/231-7423 (fax)
travisd@rgrdlaw.com
10 bennyg@rgrdlaw.com
eniehaus@rgrdlaw.com

11 Co-Lead Counsel for Plaintiffs

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 PIRELLI ARMSTRONG TIRE)
15 CORPORATION RETIREE MEDICAL)
BENEFITS TRUST, Derivatively on Behalf of)
16 WELLS & FARGO COMPANY,)

17 Plaintiff,)

18 vs.)

19 JOHN G. STUMPF, et al.,)

20 Defendants,)

21 – and –)

22 WELLS FARGO & COMPANY, a Delaware)
corporation,)

23 Nominal Defendant.)
24

BARRETT JOHNSTON, LLC
GEORGE E. BARRETT
DOUGLAS S. JOHNSTON, JR.
TIMOTHY L. MILES
217 Second Avenue, North
Nashville, TN 37201-1601
Telephone: 615/244-2202
615/252-3798 (fax)
gbarrett@barrettjohnston.com
djohnston@barrettjohnston.com
tmiles@barrettjohnston.com

No. 3:11-cv-02369-SI

(Consolidated)

STIPULATION AND ~~PROPOSED~~ ORDER
ADJUSTING BRIEFING SCHEDULE ON
INDIVIDUAL DEFENDANTS' MOTION
TO DISMISS THE CONSOLIDATED
COMPLAINT AND MAINTAINING THE
HEARING DATE CURRENTLY SET FOR
JANUARY 27, 2012

1 WHEREAS, the parties to the above-captioned action hereby submit this Stipulation and
2 [Proposed] Order Adjusting Briefing Schedule on Individual Defendants' Motion to Dismiss the
3 Consolidated Complaint and Maintaining the Hearing Date Currently Set for January 27, 2012;

4 WHEREAS, on September 12, 2011, lead plaintiffs Pirelli Armstrong Tire Corporation
5 Retiree Medical Benefits Trust and City of Westland Police and Fire Retirement System filed their
6 Verified Consolidated Shareholder Derivative Complaint for Breach of Fiduciary Duty, Abuse of
7 Control, Gross Mismanagement and Corporate Waste ("Consolidated Complaint") (Dkt. No. 59);

8 WHEREAS, on October 5, 2011, defendants John G. Stumpf, Howard I. Atkins, John D.
9 Baker II, John S. Chen, Lloyd H. Dean, Susan E. Engel, Enrique Hernandez, Jr., Donald M. James,
10 Richard D. McCormick, Mackey J. McDonald, Cynthia H. Milligan, Nicholas G. Moore, Philip J.
11 Quigley, Judith M. Runstad, Stephen W. Sanger and Susan G. Swenson ("Individual Defendants"),
12 filed their motion to dismiss the Consolidated Complaint;

13 WHEREAS, on September 28, 2011, the Court granted a stipulation and proposed order
14 regarding the schedule for motions to dismiss, setting the hearing on the motion to dismiss and case
15 management conference for December 9, 2011;

16 WHEREAS, on October 4, 2011, the parties submitted a stipulation and proposed order
17 informing the Court of scheduling conflicts on December 9, 2011 and requesting that the Court
18 continue the hearing on the motion to dismiss and case management conference from December 9,
19 2011 to January 27, 2012;

20 WHEREAS, on October 4, 2011, the Court entered the Stipulation and Order Continuing
21 Hearing for Individual Defendants' Motion to Dismiss and Case Management Conference, setting
22 the hearing on the motion for January 27, 2012 (Dkt. No. 64); and

23 WHEREAS, the parties have met and conferred and agreed, in light of the continued hearing
24 date to January 27, 2012, to adjust the briefing schedule on the motion to dismiss while maintaining
25 the hearing date of January 27, 2012.

26 NOW THEREFORE, the undersigned parties by and through their counsel of record hereby
27 stipulate and agree as follows subject to the approval of the Court:

28

ROBBINS GELLER RUDMAN
& DOWD LLP
SHAWN A. WILLIAMS

Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)

**ROBBINS GELLER RUDMAN
& DOWD LLP**
TRAVIS E. DOWNS III
BENNY C. GOODMAN III
ERIC I. NIEHAUS
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

BARRETT JOHNSTON, LLC
GEORGE E. BARRETT
DOUGLAS S. JOHNSTON, JR.
TIMOTHY L. MILES
 217 Second Avenue, North
 Nashville, TN 37201-1601
 Telephone: 615/244-2202
 615/252-3798 (fax)

Co-Lead Counsel for Plaintiffs

1 DATED: October 21, 2011

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation
GILBERT R. SEROTA
SARAH A. GOOD
MARC PRICE WOLF

5 s/ Sarah A. Good (w/permission)
SARAH A. GOOD

Three Embarcadero Center, 7th Floor
San Francisco, CA 94111-4024
Telephone: 415/434-1600
415/677-6262 (fax)

Attorneys for Defendants
John G. Stumpf, Howard I. Atkins, John D. Baker II, John S. Chen, Lloyd H. Dean, Susan E. Engel, Enrique Hernandez, Jr., Donald M. James, Richard D. McCormick, Mackey J. McDonald, Cynthia H. Milligan, Nicholas G. Moore, Philip J. Quigley, Judith M. Runstad, Steven W. Sanger and Susan G. Swenson

14 I, Shawn Williams, am the ECF User whose ID and password are being used to file this
15 Stipulation and [Proposed] Order Adjusting Briefing Schedule on the Individual Defendants' Motion
16 to Dismiss the Consolidated Complaint. In compliance with General Order 45, X.B., I hereby attest
that Sarah A. Good has concurred in this filing.

17 s/ Shawn A. Williams
SHAWN A. WILLIAMS

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 DATED: 10/24/11


THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2011, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 21, 2011.

s/ Shawn A. Williams

SHAWN A. WILLIAMS

ROBBINS GELLER RUDMAN
& DOWD LLP

Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)
E-mail: ShawnW@rgrdlaw.com

Mailing Information for a Case 3:11-cv-02369-SI

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **George E. Barrett**
gbarrett@barrettjohnston.com
- **Stephen R. Basser**
sbasser@barrack.com,lnapoleon@barrack.com,cfessia@barrack.com
- **Travis E. Downs , III**
travisd@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Sarah A. Good**
sgood@howardrice.com,bhastings@howardrice.com
- **Douglas S. Johnston**
djohnston@barrettjohnston.com
- **Alan M. Mansfield**
alan@clgca.com,sally@clgca.com
- **Timothy L. Miles**
tmiles@barrettjohnston.com
- **Eric Ian Niehaus**
ericn@rgrdlaw.com
- **Gilbert Ross Serota**
gserota@hrice.com,nprince@howardrice.com
- **Samuel M. Ward**
sword@barrack.com,lxlamb@barrack.com
- **Shawn A. Williams**
shawnw@rgrdlaw.com,khuang@rgrdlaw.com,erinj@rgrdlaw.com,e_file_sd@rgrdlaw.com,tcraig@rgrdlaw.com,lmix@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Marc Joel Price Wolf**
mpricewolf@howardrice.com
- **Barbara Wright**
barbara.wright@wellsfargo.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Joe Kendall
Provost & Umphrey Law Firm, LLP
3232 McKinney Avenue
Suite 700
Dallas, TX 75204

Joe McKey
Kendall Law Group, LLP
3232 McKinney Avenue, Suite 700
Dallas, TX 75204

Barbara H. Wright
Wells Fargo & Co.
One Wells Fargo Center
32nd Floor
D-1053-300
Charlotte, NC 28202